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SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438, A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384, A/48/385)

1. Mr. SNEGUR (Republic of Moldova) said that, like the vast majority of delegations, his delegation was determined to construe the concept of self-determination as primarily implying the establishment of an internal order based on good governance, protection of human rights and democratic participation of all in decision-making. However, despite the Organization's global concerns, some issues must be examined on a case-by-case basis. In particular, too many illegitimate claims had been introduced regarding the exercise of the right to self-determination.

2. The situation in the Transdniestr area of the Republic of Moldova was an example of such false claims. Indeed, the involvement of secessionist factions in the Transdniestr area on the hard-liners' side in the recent Moscow political crisis had been documented. The secessionists' actions, which were illegitimate and characterized by political extremism and exclusion ideologies, were backed by the unjustifiable presence of the 14th Russian Army. The desire to secede had been spawned and nourished by the erroneous belief that separation could alleviate social and economic difficulties. In that respect, economic assistance should significantly ease the tension.

3. Yet despite the secessionists' assertions, the unfolding conflict was not an inter-ethnic one but rather a political conflict aimed at rebuilding a new imperial structure. That fact had been confirmed by the United Nations and the Conference on Security and Cooperation in Europe (CSCE) missions which had visited Moldova. The fake label of "ethnic confrontation" had provided the Russian Federation with the pretext to maintain its armed forces in the Republic of Moldova.

4. The application of the principle of self-determination of peoples must not override international law, nor be used as an excuse for human-rights violations. In that regard, the guidelines contained in the Secretary-General's report entitled "An Agenda for Peace" would be very useful.

5. Mr. ENDREFFY (Hungary) said that resolutions and condemnations were in themselves not enough to prevent human-rights violations such as those occurring in the former Yugoslavia. It was crucial to ensure international protection for ethnic and national minorities. Hungary supported the establishment of an international tribunal to prosecute persons responsible for violations of international humanitarian law in the former Yugoslavia. An independent judiciary, coupled with legislation that conformed with international human rights standards, were important pillars of the fight against racial

(Mr. Endreffy, Hungary)

discrimination. In that regard, the Declaration and Programme of Action adopted by the World Conference on Human Rights held at Vienna in June 1993 provided the Committee with valuable guidance.

6. His delegation welcomed the positive developments in South Africa in the struggle against apartheid and also commended the Committee on the Elimination of Racial Discrimination for its noteworthy work, in particular its adoption of the working paper on the prevention of racial discrimination (A/48/18, annex III). The recent adoption by the Hungarian National Assembly of the Act on the Rights of National and Ethnic Minorities bolstered Hungary's conviction that the mere prohibition of discrimination against minorities was not enough and that a more active protection of their rights was needed. Hungary was ready to cooperate with the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance appointed by the Commission on Human Rights in resolution 1993/20 and would also support the declaration, at the current General Assembly session, of a third decade against racism and racial discrimination.

7. One of the most important elements of the right to self-determination was the establishment of adequate mechanisms to ensure participation in the conduct of public affairs. The will of the people could best be expressed through periodic, free and fair elections. The establishment of democratic institutions and an accessible, independent judiciary were also natural elements of self-determination. The right of self-determination could be implemented in different ways and it would be wrong to equate it to secession.

8. Ms. PILOTO (Zimbabwe) noted that new and disturbing forms of racism and racial discrimination had arisen, based on ethnic, linguistic and religious differences. Her delegation agreed with the Secretary-General's observation in the draft programme for the third decade (A/48/423) that, despite the distinction between racism and racial discrimination on the one hand and intolerance and ethnic discrimination on the other, the two phenomena could still be discussed together. Zimbabwe welcomed the Commission on Human Rights decision to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and other related intolerance.

9. One reason for the failure to achieve the targets set for the first two decades was the lack of political will to abide by the International Convention on the Elimination of All Forms of Racial Discrimination. The international community should demonstrate its commitment by unreservedly supporting the draft programme for the third decade.

10. With regard to self-determination, her delegation remained disturbed by the use of mercenaries in southern Africa documented by the Special Rapporteur in his report (A/48/385, annex). The activities of white mercenaries clearly threatened the democratization process in South Africa and peace and security of the entire region. Unless the international community closely monitored that situation, in keeping with General Assembly resolution 47/84, the envisaged new democracy in South Africa would remain fragile in the face of such threats.

11. Miss FERTELKIGIL (Turkey) said that the recent Vienna World Conference on Human Rights had marked a turning-point in United Nations activities to protect and promote human rights. Her delegation welcomed the adoption by consensus of the Vienna Declaration and the Programme of Action.

12. New manifestations of racism in the form of violent attacks against innocent persons were a potential source of conflict between States and threatened international peace and security. Turkish migrant workers in Europe and their families had become increasingly subjected to racist harassment and violence. Host countries should adopt additional measures to combat racism and protect vulnerable groups, backed by legislation guaranteeing human rights. In that regard, it was essential to sensitize public opinion and instil mutual tolerance so as to break the vicious cycle of racial hatred. Non-governmental agencies also had the responsibility to oppose new forms of racism and to work to eliminate them.

13. Her delegation welcomed the appointment by the Commission on Human Rights of a special rapporteur on contemporary forms of racism. It would fully support the declaration by the General Assembly of a third decade to combat racism and racial discrimination, and endorsed the draft programme of action for third decade contained in the report of the Secretary-General (A/48/423).

14. In South Africa, historic progress had been made towards the establishment of a united, non-racial and democratic society. The situation in Bosnia and Herzegovina, however, continued to be of grave concern. The international community's failure to act would seriously jeopardize the legitimacy of international law. The World Conference on Human Rights had qualified the situation in Bosnia and Herzegovina as one of genocide and had appealed to the Security Council to adopt appropriate measures. Another violation of international law in the region of the Caucasus, where one fifth of Azerbaijani territory was under foreign occupation, threatened the peace and security of the entire region. Her delegation supported Security Council resolutions 822 (1993) and 853 (1993), which called for the immediate, complete and unconditional withdrawal of all occupying forces from Azerbaijan.

15. Her delegation commended the recent agreement between the Palestine Liberation Organization and Israel, which gave hope for a comprehensive solution to the problem in the Middle East. It also welcomed the proclamation of a new constitution in Cambodia, and Eritrea's peaceful gaining of independence.

16. Mrs. KOVALSKA (Ukraine) noted that, as a result of the progress made towards democracy in South Africa, the General Assembly had lifted economic sanctions. Security Council resolution 772 (1992) had defined ways to resume the negotiating process and had produced a positive effect on events in South Africa. United Nations organs and specialized agencies should take new steps to ensure democratic elections in April 1994 in that country.

17. With regard to the continued policy of "ethnic cleansing" in the territory of the former Yugoslavia, Ukraine had been a sponsor of General Assembly resolution 47/80 condemning "ethnic cleansing" and racial hatred, and endorsed Security Council resolution 808 (1993) on the establishment of an international

(Mrs. Kovalska, Ukraine)

tribunal. In the light of continuing ethnic conflicts, her delegation welcomed the appointment by the Commission on Human Rights of a special rapporteur on racism, racial discrimination, xenophobia and related intolerance. Governments, for their part, were responsible for adopting all necessary legislative and educational measures to eradicate racism and xenophobia. Her delegation appealed to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to meet their obligations. In that connection, she wished to note that her country had recognized the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the Convention to consider communications from individuals or groups of individuals claiming to be victims of human-rights violations.

18. The Vienna Declaration adopted at the recent World Conference on Human Rights had confirmed that the denial of the right to self-determination was a violation of human rights. However, the right to self-determination could not be construed as encouraging any action aimed at violating the territorial integrity and political unity of sovereign and independent States. In many cases - in the territory of the former USSR in particular - extreme nationalism was a reaction to the previous neglect of the rights of ethnic groups. The process of developing newly formed States might have been less painful if the former system in the USSR had not been so oppressive. The challenge at present was to rectify existing disparities through the establishment of a new society based on the rule of law, democracy and respect for human rights.

19. Mr. ROWE (Australia) said that in order to be effective, United Nations educative programmes, which were so crucial to the fight against racism, must be focused and relevant. His delegation urged the Secretary-General to examine the programmes currently being undertaken by the Centre for Human Rights and the Department of Public Information (DPI) with a view to merging United Nations education and public information programmes in the field of racism and racial discrimination into a single unit, based in Geneva, through the redeployment of resources currently allocated to DPI.

20. National institutions for the promotion and protection of human rights had a major responsibility in combating racism and racial discrimination. Governments should ensure that national institutions had secure and adequate funding and that the rights of indigenous peoples were accorded specific recognition and priority. The Council for Aboriginal Reconciliation, a unique national institution established by the Australian Parliament in 1991, was responsible for educating the entire population, consulting with indigenous peoples and making recommendations to the Government on how to redress the disadvantages of Australia's indigenous peoples.

21. The International Year for the World's Indigenous People had contributed to unprecedented public awareness and debate on indigenous issues in his country. Since, however, experience had shown that one year was little time to produce lasting results, his country welcomed the recommendation by the Vienna World Conference on Human Rights to proclaim an international decade of the world's indigenous people. An important objective of that decade would be the advancement of the draft declaration on the rights of indigenous peoples. It

(Mr. Rowe, Australia)

was time for the Working Group on Indigenous Populations to complete its work on the draft declaration in time for its submission to the Commission on Human Rights in 1995. His delegation also supported the idea of establishing a permanent forum for indigenous peoples within the United Nations system and proposed that the Secretary-General should prepare a study of the feasibility of establishing such a forum.

22. The previous year, States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had decided to amend the Convention in order to provide for regular-budget funding for the Committee on the Elimination of Racial Discrimination. His delegation urged all States parties to notify their agreement to the amendment as soon as possible so as to speed its entry into force. His delegation also welcomed the decision by that Committee to consider situations in States even when no report had been submitted. As an important step in beginning to address the unacceptably high level of overdue reports.

The meeting rose at 11.35 a.m.